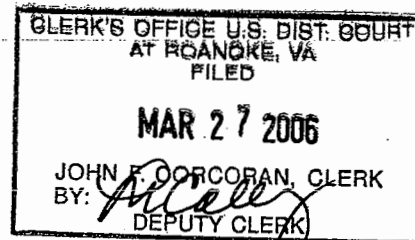


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



UNITED STATES OF AMERICA

v.

KARL ALEXANDER HARRIS

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Information No. 7:06cr 25

INFORMATION

The United States Attorney charges:

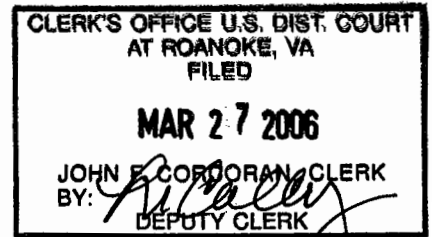
On or about November 13, 2005, at or near Blacksburg, Virginia, and within the Western Judicial District of Virginia, defendant KARL ALEXANDER HARRIS, by threat of force did willfully intimidate and interfere with and attempt to intimidate and interfere with Victim because of her race and color and because she was and had been attending Virginia Polytechnic Institute and State University, located in Blacksburg, Virginia, a public university administered by the Commonwealth of Virginia, in violation of Title 18, United States Code, Section 245(b)(2)(A).

John L. Brownlee

JOHN L. BROWNLEE
UNITED STATES ATTORNEY

3/27/2006
DATE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



UNITED STATES OF AMERICA

v.

KARL ALEXANDER HARRIS

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7:06CR25

PRETRIAL DIVERSION AGREEMENT

The United States of America, represented by the United States Attorney for the Western District of Virginia, and the defendant, Karl Alexander Harris, who is represented by James J. McCoart, Esquire, have entered into a pretrial diversion agreement. Mr. Harris has been charged by Information of the following offense:

The United States Attorney charges:

On or about November 13, 2005, at or near Blacksburg, Virginia, and within the Western Judicial District of Virginia, defendant KARL ALEXANDER HARRIS by threat of force did willfully intimidate and interfere with and attempt to intimidate and interfere with Victim because of her race and color and because she was and had been attending Virginia Polytechnic Institute and State University, located in Blacksburg, Virginia, a public university administered by the Commonwealth of Virginia, in violation of Title 18, United States Code, Section 245(b)(2)(A).

It appearing that KARL ALEXANDER HARRIS committed an offense against the United States in violation of Title 18, United States Code, Section 245(b)(2)(A) (Civil Rights Violation), the United States and Mr. Harris agree to the following factual statement. Both parties agree that had this case proceeded to trial, the United States would have established the following facts beyond a reasonable doubt.

I. FACTUAL STATEMENT AND ADMISSIONS BY KARL ALEXANDER HARRIS

My name is Karl Alexander Harris. I was born on August 28, 1987, and I am currently 18 years old. I am a first year undergraduate student at James Madison University in Harrisonburg, Virginia. My permanent place of residence is 15086 Lindenberry Lane, Dumfries, Virginia 22026. I deeply regret writing the racist and hateful message. I recognize my conduct was improper, and I am willing to accept responsibility for my conduct.

On November 13, 2005, at approximately 2:45 a.m., Mr. Harris and three other young men entered Slusher Tower, a student dormitory located on the campus of Virginia Polytechnic Institute and State University, Blacksburg, Virginia. Mr. Harris admits that he had been drinking alcohol prior to entering the dormitory. The four men took an elevator to the twelfth floor to visit a friend who lived in room 1289. Also on the elevator was a female undergraduate student (hereinafter referred to as the "Victim"). The Victim's parents are from Bangladesh. Her dormitory room was located on the twelfth floor of Slusher Hall. While riding the elevator, several of the four men began ringing the

emergency bell located in the elevator. The Victim got off the elevator when it stopped on the twelfth floor and went to her dormitory room.

At about 3:00 a.m., the Victim left her room and walked to the bathroom. The four men stood in front of the bathroom door and prevented her from entering. The Victim asked the men to move. The men refused her request so the Victim was forced to push her way through the men to enter the bathroom.

At about 3:20 a.m., while the Victim was in her dormitory room reading, one of the men knocked on her dormitory room door. The Victim opened the door and asked who knocked on her door. All four of the men denied knocking on her door. She asked them to leave her alone and closed her door.

Mr. Harris then walked to her dormitory room door and wrote a message on a dry erase board that was attached to the Victim's door. Mr. Harris wrote the following message:

"Dear Bitch, You are a fucking BITCH!! I hate you b/c you are a stupid NIGGER!!!! And you deserve to be Lynched. Fuck You!!!! Love, Karl"

At approximately 3:30 a.m., the Victim opened the door to her dormitory room and observed the message written by Mr. Harris. The Victim immediately contacted the Virginia Tech Police Department and reported the above incident.

The Virginia Tech police officers responded to the scene and quickly detained Mr.

Harris. Mr. Harris admitted that he wrote the message. Harris claimed he wrote the message because he was angry at the way the Victim had apparently spoke to him. He later acknowledged that he had been drinking alcohol.

Since the incident, the Victim has been afraid to leave her dormitory room at night and remains in fear for her life. She missed several academic classes immediately following the incidence and has considered leaving Virginia Tech permanently.

II. GENERAL CONDITIONS OF THE AGREEMENT

Upon your accepting responsibility for your behavior and by your signature on this Agreement, it appearing, after an investigation of the offense, and your background, that the interests of justice will be served by the following agreement:

On the authority of the United States Attorney for the Western Judicial District of Virginia, prosecution in this District for this offense shall be deferred for the period of eighteen months from this date, provided you abide by the conditions and the requirements of this Agreement set out below.

Should you violate the conditions of this Agreement, the United States Attorney may revoke or modify any conditions of this pretrial diversion program or change the period of supervision. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this Agreement. In this case, he will furnish you with the notice specifying the conditions

of the Agreement which you have violated.

After successfully completing your diversion program and fulfilling all the terms and conditions of the Agreement, no prosecution for the offense set forth in this Agreement will be instituted in this District, and the charges against you, if any, will be dismissed.

Neither this Agreement nor any other document filed with the United States Attorney as a result of your participation in the Pretrial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution for the above-described offense. Any false statements may form the basis for a prosecution for perjury.

III. SPECIFIC CONDITIONS OF THE AGREEMENT

- A. The conditions and the requirements of this Agreement shall remain in effect for a period of eighteen (18) months.
- B. You shall participate in an alcohol treatment program, an anger management program, and diversity training as directed by your probation officer.
- C. You shall not violate any law (federal, state and local). You shall immediately contact your probation officer if arrested and/or questioned by any law-enforcement officer.

- D. You shall work regularly at a lawful occupation or remain enrolled as a full-time student or otherwise comply with the terms of the special program described below. If you lose your job or leave school, you shall notify your probation officer at once. You shall consult him/her prior to job or school changes.
- E. You shall continue to live in the Commonwealth of Virginia. If you intend to move out of the Commonwealth of Virginia, you shall inform your probation officer so an appropriate transfer of program responsibility can be made.
- F. You shall report to your probation officer as directed and keep him/her informed of your whereabouts.
- G. You shall conduct 300 hours of Community Service as directed by your probation officer.
- H. You shall agree to waive your rights under the Fifth Amendment to the Constitution and testify truthfully at any court proceedings.
- I. You shall stay away from Virginia Polytechnic Institute and State University, located in Blacksburg, Virginia. You shall also have no contact with the Victim.
- J. You shall submit to any other conditions as may be set forth by your

probation officer.

I assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request the United States Attorney for the Western District of Virginia to defer such prosecution. I agree and consent that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request, and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period of this agreement.

I hereby state that the above has been read and explained to me. I understand the conditions of my pretrial diversion program and agree that I will comply with them.

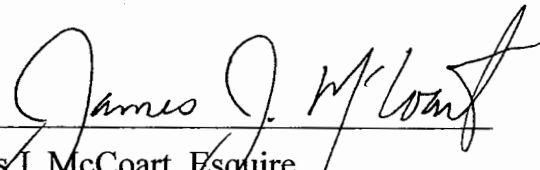
Dated: March 27, 2006



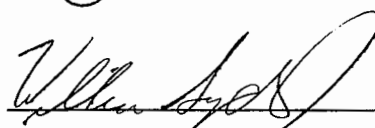
Karl Alexander Harris

Defendant

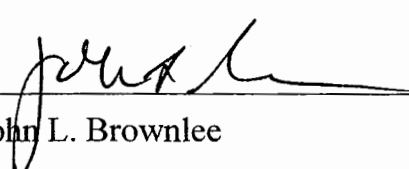
Dated: March 27, 2006


James J. McCoart, Esquire
Counsel for Defendant

Dated: March 27, 2006


William Sydnor, Jr.
U.S. PROBATION OFFICER

Dated: March 27, 2006


John L. Brownlee
United States Attorney